

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RACHEL CAROL FILSOOF,

Plaintiff,

- against -

ANDREW J. COLE,

Defendant.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

MEMORANDUM AND ORDER

21 Civ. 1791 (NRB)

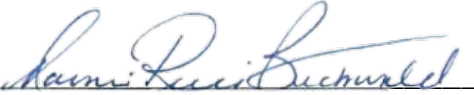
Pending before the Court is plaintiff's letter motion to quash the subpoena issued to non-party Tony Harnell. See ECF Nos. 159-160. Defendant opposed plaintiff's motion. See ECF Nos. 165-66.

While the Court is fully aware that the scope of discovery is not coterminous with admissible evidence, discovery is nevertheless limited to relevant evidence. Fed. R. Civ. P. 26(b)(1). In this regard, the Federal Rules of Evidence are instructive. See, e.g., Hughes v. Twenty-First Century Fox, Inc., 327 F.R.D. 55, 58 (S.D.N.Y. 2018). Having carefully read defendant's submissions, the Court does not discern any examples of subject matter that would be relevant and/or admissible under FRE 403 and 404. In addition, the Court is mindful of the concerns that support the issuance of a protective order under FRCP 26(c) and the ability to terminate or limit a deposition under FRCP 30(d)(3). Accordingly, the motion to quash the subpoena to Tony

Harnell is granted. Given this ruling, all documents originally from Mr. Harnell and other references to sensitive/highly personal information about him should be filed under seal. Counsel are directed to effectuate this direction.

Finally, the Court cannot conclude this decision without noting the utter hypocrisy of both sides shifting positions on the issue of personal privacy depending on their view of litigation advantage.

Dated: New York, New York
March 8, 2022



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE